

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

AMOS LEE DRYER,

Plaintiff,

VS.

KEVIN ROBERTS, et. al,

Defendants.

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CIVIL ACTION FILE NO.
1: 05-CV-161 (WLS)

RECOMMENDATION

Presently pending in this *pro se* prisoner §1983 action is plaintiff's motion for summary judgment (doc. 31). This motion appears to alternatively state that plaintiff is entitled to summary judgment, and that there is a genuine issue of material fact so that a motion for summary judgment filed by defendants should be denied. Plaintiff does not file any supporting documentation in support of his motion for summary judgment.

Defendants have subsequently filed a motion for summary judgment (doc. 41), which the undersigned does not address on the merits in this recommendation. However, the undersigned will consider the entire record, including this motion filed by plaintiff, in making a recommendation as to whether defendants' motion should be granted or denied. Accordingly, it is the RECOMMENDATION of the undersigned that plaintiff's motion be **DENIED** without prejudice.

Pursuant to 28 U.S.C. § 636(b)(1), the parties may file written objections to this recommendation with the Honorable W. Louis Sands, United States District Court, Middle District of Georgia, WITHIN TEN (10) DAYS of receipt thereof

SO RECOMMENDED, this 15th day of August, 2007.

//S Richard L. Hodge
RICHARD L. HODGE
UNITED STATES MAGISTRATE JUDGE

msd